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Chris Foo  
P.O. Box 28151  
Santa Ana, CA 92799

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**MAY 05 2004**

In re Application of :  
Chris Foo :  
Application No. 10/674,546 :  
Filed: October 1, 2003 :  
Attorney Docket No. :

**OFFICE OF PETITIONS**

**DECISION ON PETITION**

This is a decision on the petition filed March 16, 2003, requesting that the above-identified application retain the presently accorded a filing date of October 1, 2003, with pages 8 through 11 of the specification as part of the original disclosure.

The petition is **dismissed as moot**.

On October 1, 2003, the above-identified application was filed. On March 5, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Items of Nonprovisional Application" (the "Notice"), stating that the application had been accorded a filing date of October 1, 2003, however, pages 8 through 11 of the specification appeared to have been omitted. Relative to the omitted item, the Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on March 16, 2004, applicants filed the present petition and other evidentiary documents. A review of the record revealed that a notice titled, "Withdrawal of Previously Sent Notice" was mailed on April 1, 2004, withdrawing the "Notice of Omitted Items of Nonprovisional Application" mailed March 5, 2004. As the notice of March 5, 2004, has been withdrawn, there is no remedy that can be provided by the instant petition; the petition is, therefore, dismissed as moot.

The petition fee of \$130.00 will be refunded, in due course.

The application file is being returned to the Office of Initial Patent Examination for further processing with the presently accorded filing date of October 1, 2003.

Any inquiries related to this decision should be directed to the undersigned at (703)305-0010.

*Kenya A. McLaughlin*  
Kenya A. McLaughlin  
Petitions Attorney  
Office of Petitions